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Right to development

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the right to development, pursuant to General Assembly resolution 54/175 of 17 December 1999.

* A/55/150 and Corr.1 and 2.
** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 17 August 2000 so as to include as much updated information as possible.

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Report of the United Nations High Commissioner for Human Rights on the right to development

I. Introduction

1. In its resolution 54/175 of 17 December 1999, the General Assembly invited the United Nations High Commissioner for Human Rights to continue to follow and review progress made in the promotion and protection of the right to development and to submit annual reports to the General Assembly and the Commission on Human Rights and to provide interim reports to the open-ended working group and the independent expert on the right to development containing details on:

(a) The activities of her Office relating to the implementation of the right to development, as contained in her mandate;

(b) The implementation of resolutions of the General Assembly and the Commission on Human Rights with regard to the right to development;

(c) The coordination among the relevant entities of the United Nations system, within their respective mandates, in the implementation of relevant resolutions of the General Assembly and the Commission on Human Rights in that regard.

2. The present report is submitted to the General Assembly in response to that resolution.

3. The report provides an overview of the work of the Office of the United Nations High Commissioner for Human Rights and other organizations and mechanisms concerned with the implementation of the right to development.

4. The Office of the High Commissioner promotes the implementation of the right to development through a wide range of activities. Its work includes, on the one hand, providing support for the independent expert on the right to development and the Working Group on the Right to Development and, on the other, the promotion of an approach to development that is based on human rights. Consequently, in 2000, the Office of the High Commissioner has prepared background papers for the follow-up of the General Assembly to the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, and the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995. The Office of the High Commissioner has also been active in promoting development within a human rights framework through the work of the United Nations Development Group. Similarly, the Office of the High Commissioner has supported mandates of the Commission on Human Rights on foreign debt, structural adjustment programmes and education that it views as essential to realizing the right to development. In the area of poverty, in addition to providing support for the independent expert on the question of human rights and extreme poverty, the Office of the High Commissioner has encouraged the adoption of a rights-based approach to the development of strategies to achieve the Secretary-General's goal of halving extreme poverty by 2015.

II. Activities of the Office of the United Nations High Commissioner for Human Rights relating to the implementation of the right to development

5. At the twenty-fourth special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", held at Geneva from 26 June to 1 July 2000, the High Commissioner stressed the importance of expressly embracing the right to development, integrating rights-based approaches to development and harnessing the instruments, mechanisms and norms of the United Nations human rights programme to serve the cause of development. The High Commissioner has placed high priority on activities related to the implementation of the right to development, and the Office of the High Commissioner has put the promotion of the right to development at the centre of its strategies, plans, policies and operational activities.

6. Given the close relationship between the promotion and protection of the right to development and all other civil, cultural, economic, political and social rights, many activities of the Office of the High Commissioner may be seen as part of an overall strategy for realizing that right. The present section presents those activities of the Office which are of direct relevance to the right to development.

7. The Office of the High Commissioner has provided technical and substantive support to the independent expert on the right to development and has continued to supply administrative and research assistance on request. In its resolution 54/175, the General Assembly took note of the report of the independent expert on the right to development (E/CN.4/1999/WG.18/2) and encouraged closer coordination with studies undertaken by other relevant experts established under the auspices of the Commission on Human Rights. To that end, the Office of the High Commissioner has systematically transmitted to the independent expert on the right to development the reports of the Special Rapporteur on the right to education, the independent expert on structural adjustment policies, the Special Rapporteur on the effects of foreign debt and the independent expert on the question of human rights and extreme poverty, as well as relevant reports of the Subcommission on the Promotion and Protection of Human Rights on globalization, international trade, investment and finance policy and practice, and transnational corporations.

8. The Office of the High Commissioner has also provided support to the Chairperson of the open-ended working group on the right to development. The High Commissioner has met with the Chairperson on several occasions and stressed the significance of the working group to her mandate. Representatives of the Office of the High Commissioner have participated in informal consultations held by the Chairperson in preparation for the first session of the working group.

9. From 7 to 9 December 1999, the Office of the High Commissioner participated in an African regional seminar on the right to development held in Yaoundé. The seminar was hosted by the Government of Cameroon.

10. From 5 to 7 February 2000, the Office of the High Commissioner, together with the Government of Yemen, organized an Inter-sessional Workshop on Economic, Social and Cultural Rights and the Right to Development in the Asia-Pacific Region. The Workshop, which was held at Sana'a, Yemen, provided an opportunity to discuss, in a concrete way, obstacles to the realization of the right to development and economic, social and cultural rights, as well as strategies to overcome those obstacles. The participants also discussed specific aspects of the right to development, including: the role of international financial institutions and development cooperation in fulfilling the right to development; children and the right to development; the integration of the right to development in national plans of action for human rights; and the indivisibility, interdependence and universality of human rights, including the right to development. Extreme poverty, environmental degradation, excessive foreign debt, unilateral coercive measures, imbalances in the international trade regime, limited access to technology and socio-economic marginalization were identified as the main obstacles to the realization of the right to development. The Workshop affirmed that participation of civil society, including the participation of women on equal footing, was an essential component of strategies for the implementation of the right to development. It also reaffirmed that international cooperation was essential to the fulfilment of the right to development, including through the provision of overseas development assistance.

11. The Office of the High Commissioner will cooperate with Franciscan's International, Dominicans for Justice and Peace and the Lutheran World Federation in organizing a seminar on the right to development at Geneva on 31 August and 1 September 2000.

12. The Office of the High Commissioner is preparing a background note summarizing the existing material on the right to development, in particular the reports of the Working Group on the Right to Development (E/CN.4/1994/21 and Corr.1, E/CN.4/1995/11, E/CN.4/1995/27, E/CN.4/1996/10 and E/CN.4/1996/24) and the reports of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1997/22 and E/CN.4/1998/29). The background note will be submitted to the open-ended working group on the right to development at its forthcoming session.

13. The Office of the High Commissioner was active in the preparations for the twenty-fourth special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world". In its background paper for the special session, the Office of the High Commissioner identified the link between objectives of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development (A/CONF.166/9, chap. I, resolution 1, annexes I and II)

and the core affirmation of the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. II), adopted by the 1993 World Conference on Human Rights, that development, democracy and human rights were interrelated and interdependent. In the background paper, entitled "Human rights in development: the Copenhagen commitments ten years on", the Office of the High Commissioner argued that the realization of the right to development was fundamental to the implementation of the programmes of action of both the World Summit for Social Development and the World Conference on Human Rights. It demonstrated how elements of an enabling environment for social development, poverty eradication, full employment, social adjustment, increased development resources and United Nations development cooperation, had all been addressed by the United Nations human rights programme through its various treaty bodies and the mechanisms based on the Charter of the United Nations. The Office of the High Commissioner concluded that a rights-based approach to development provided an effective means of operationalizing the objectives reaffirmed at the World Summit.

14. The Office of the High Commissioner also prepared a background paper entitled "Building on achievements: women's human rights five years after Beijing" for the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", held in June 2000. In the background paper, the Office of the High Commissioner reaffirmed women's entitlement to the enjoyment of all human rights, including the right to development, and identified key issues in implementing the human rights of women.

15. In August 1999, the Subcommission on the Promotion and Protection of Human Rights, in its resolution 1999/15, on women and the right to development, invited the Committee on the Elimination of Discrimination against Women to pay special attention to women's economic rights, including but not limited to the rights to land, property and an adequate standard of living, including adequate housing, when examining States parties' reports, and to explore the possibility of adopting a general recommendation on that theme as it related to, inter alia, article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), with a view to clarifying the obligations of States parties to the Convention; and invited the High Commissioner, in coordination with the appropriate United Nations bodies, to undertake initiatives promoting women's economic rights and the right to development. On 4 July 2000, the Office of the High Commissioner transmitted the resolution to the Chairperson of the Committee and encouraged the Committee to keep it appraised of developments in that area.

16. The Office of the High Commissioner has continued to provide technical cooperation to States seeking to strengthen human rights capacities as part of national development strategies. Technical cooperation projects are now being developed or implemented in approximately 40 countries.

17. The Office of the High Commissioner has also continued to service treaty-based organs such as the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of All Forms of Racial Discrimination, the Committee against Torture and the Human Rights Committee. In carrying out those activities, the Office of the High Commissioner recognizes the interdependence of the various sets of rights and the usefulness of the reporting process to national development planning and programming.

III. Implementation of the resolutions of the General Assembly and the Commission on Human Rights with regard to the right to development

18. In its resolution 54/175, the General Assembly welcomed the high priority assigned by the High Commissioner to activities relating to the right to development, and urged the Office of the High Commissioner to continue implementing Commission on Human Rights resolution 1998/72; and noted the efforts undertaken by the Office of the High Commissioner, within its mandate, with relevant entities of the United Nations system to promote the realization of the right to development.

19. In implementing the above-mentioned resolutions, the High Commissioner has identified elements for rights-based approaches to development.

To that end, the Office of the High Commissioner has prepared three background papers outlining rights-based approaches to development.[1]

20. In April 2000, the Commission on Human Rights at its fifty-sixth session held a special dialogue on poverty. A panel, consisting of the High Commissioner, experts and heads of United Nations organizations, led the special dialogue with presentations on poverty. The presentations were followed by a general discussion involving the members of the panel and the members of the Commission. During the special dialogue, the Commission recognized that poverty was both a cause and an effect of violations of human rights and supported a rights-based approach to the alleviation of poverty.

21. In its resolution 54/175, the General Assembly noted that sanctions often had a serious negative impact on the development capacity and activity of target countries, as well as third States, undermining their full realization of the right to development. On 28 May 2000, representatives of the Office of the High Commissioner presented an informal paper on the relationship between economic sanctions and the enjoyment of human rights at a meeting of a working group of the Inter-Agency Standing Committee.

22. In its resolution 54/175, the General Assembly recognized that countries interacted with the global economy from vastly different levels of development, and realized that globalization affected all countries differently and made them more susceptible to external developments, positive and negative, inter alia, in the field of human rights, in particular in the realization of the right to development. In its resolution 1999/29, the Subcommission on the Promotion and Protection of Human Rights decided to entrust Joseph Oloka-Onyango with the task of preparing a study on globalization and its impact on the full enjoyment of all human rights. The report, which is to be presented to the Subcommission at its fifty-second session, in August 2000, will focus on the rules, policies and programmes of international financial institutions and the World Trade Organization and their effects on the enjoyment of human rights.

23. In its resolution 54/175, the General Assembly emphasized the importance of strengthening good governance through the building of more effective and accountable institutions for promoting sustained growth and enabling all people to benefit equally from development. In its resolution 2000/64, on the role of good governance in the promotion of human rights, the Commission on Human Rights, recognizing the importance of an environment conducive to the full enjoyment of human rights and emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, was a continuous process for all Governments, requested the High Commissioner to invite all States to provide practical examples of activities that had been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States.

24. In its resolution 54/175, the General Assembly reaffirmed that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, were interdependent and mutually reinforcing, and in that context affirmed that the existence of widespread poverty inhibited the full and effective enjoyment of human rights. In her report to the Commission on Human Rights at its fifty-sixth session, the independent expert on the question of human rights and extreme poverty stressed that extreme poverty was a denial of all human rights (E/CN.4/2000/52, paras. 7-25). She called for a global alliance for the elimination of extreme poverty (E/CN.4/2000/52, paras. 84-85). To that end, she listed elements of an effective strategy against poverty, which included strong political will, good governance and effective capacities at the national level, international solidarity and increased overseas development assistance (E/CN.4/2000/52, paras. 61-62).

25. In its resolution 54/175, the General Assembly reaffirmed that the right to food and clean water and the right to shelter were basic human rights and that health and education were essential for development. At its fifty-sixth session, the Commission on Human Rights decided to appoint, for a period of three years, a special rapporteur on housing (Commission resolution 2000/9) and a special rapporteur on the right to food (Commission resolution 2000/10). In her report to the Commission (E/CN.4/2000/6), the Special Rapporteur on the right to education stressed that the right to education could be seen, not only as a catalyst for the realization of other rights, but also as a means of

achieving social development. According to the Special Rapporteur, poverty was a major obstacle to enjoying the right to education, and education could not lead to the elimination of poverty until education itself was rescued from poverty.

26. The independent expert on structural adjustment and the Special Rapporteur on the effects of foreign debt submitted a joint report (E/CN.4/2000/51) to the Commission on Human Rights at its fifty-sixth session. The report provided three strategic entry points (responding to the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) epidemic, addressing the challenge of reconstruction following Hurricane Mitch and combating the worst forms of child labour) as a means of demonstrating how to link debt relief with social investment. The report advanced the view that structural adjustment and debt relief could contribute to sustainable human development and the eradication of poverty.

27. Pursuant to Commission on Human Rights resolution 1998/72, entitled "The right to development", during 2000, the High Commissioner held high-level consultations with the World Bank focusing on aspects of the implementation of the right to development, as well as the World Bank's strategy against poverty. Similarly, at a meeting hosted by the World Bank at Stockholm in February 2000 to review its report on attacking poverty, a representative of the Office of the High Commissioner encouraged the World Bank to implement its work on poverty within a human rights framework.

28. In its resolution 54/175, the General Assembly requested the Secretary-General to submit to it at its fifty-fifth session a comprehensive report on the right to development, including obstacles identified in the realization of that right. On 30 May 2000, the Office of the High Commissioner sent notes verbales and letters to States and relevant organizations requesting information for the report.

IV. Coordination among the relevant entities of the United Nations system, within their respective mandates, in the implementation of relevant resolutions of the General Assembly and the Commission on Human Rights

29. The Office of the High Commissioner has facilitated the integration of elements of the right to development into the programmes and policies of development agencies and programmes of the United Nations system. Major projects undertaken in 2000 include the following.

30. The Office of the High Commissioner contributed to the preparations for *Human Development Report 2000*.[2] In welcoming the report, the High Commissioner noted that the report established once and for all that human rights and economic and social progress were inextricably linked. She added that development and human rights had been looked at separately for far too long and that the report demonstrated how they were two sides of the same coin.

31. The Office of the High Commissioner is working to integrate human rights, including the right to development, into United Nations system-wide development initiatives, most notably through the common country assessment and the United Nations Development Assistance Framework (UNDAF) process. The Office of the High Commissioner has been involved in preparing the common country assessment and UNDAF guidelines and the common country assessment indicator framework, which allow areas of human rights concern to be identified by the United Nations country team. The Office of the High Commissioner actively participates in the common country assessment and UNDAF learning network established to review common country assessments and UNDAFs in order to share good practices among country teams and United Nations agencies. The network facilitates a system-wide process of learning for improving the relevance and quality of the common country assessment and UNDAF exercise. The Office of the High Commissioner gives direct support to the country teams, indicating human rights priorities in countries in which common country assessments and UNDAFs are being prepared.

32. The Office of the High Commissioner is also involved in ongoing initiatives in the United Nations system to provide human rights training. In particular, the Working Group on the Right to Development identified the need for a training module on human rights for UNDAF teams. The Office of the High Commissioner has been instrumental in preparing the module.

33. Finally, the Office of the High Commissioner, as a member of the United Nations Development Group, is involved in initiatives to strengthen the policy and programme coherence and effectiveness of United Nations development activities, in particular through the adoption of human rights frameworks for development.

34. Under their joint Human Rights Strengthening project, the Office of the High Commissioner and UNDP are piloting collaborative activities to strengthen the integration of human rights with sustainable human development in each region of the world. As the project enters its second year of implementation, country selection is well under way and programming is advanced in some 10 countries for activities relating to rights-based approaches to national development planning or the development of national plans of action in the area of human rights. At the same time, the recruitment and deployment of 15 United Nations Volunteers human rights specialists to UNDP country offices are nearing completion. The Office of the High Commissioner will provide substantive human rights support during their two-year posting.

35. The Office of the High Commissioner has also been encouraging a rights-based approach to the development and implementation of the Secretary-General's strategy to halve extreme poverty by 2015. The Office of the High Commissioner has developed a poverty matrix, as well as a training module, all of which include specific references to the promotion and realization of the right to development.

36. In April 2000, the Office of the High Commissioner organized a meeting of special rapporteurs and independent experts in the field of economic, social and cultural rights and the right to development and representatives of treaty bodies and the United Nations organizations, in order to improve the collaboration between the special mechanisms and the agencies of the United Nations system.

Notes

[1] In April 2000, the Office of the High Commissioner circulated a paper to the Commission on Human Rights on human rights and poverty. In May 2000, the Office of the High Commissioner distributed a background document on the implementation of the commitments of the World Summit for Social Development, entitled "Human rights in development: the Copenhagen commitments five years on". Finally, for the Millennium Assembly, to be held in September 2000, the Office of the High Commissioner prepared a background paper on securing the rule of law for a globalized world.

[2] *Human Development Report 2000* (New York, Oxford University Press, 2000).